



County of Santa Cruz

OFFICE OF THE COUNTY COUNSEL

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda January 29, 2002

To: Board of Supervisors

Re: Claim of Oswaldo Diaz Pinto, by his Attorney, William H. Minkner, No. 102-063

Original document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

- X 1. Reject the claim of Oswaldo Diaz Pinto, by his Attorney, William H. Minkner, No. 102-063 and refer to County Counsel.
- ___ 2. Deny the application to file a late claim on behalf of _____ and refer to County Counsel.
- ___ 3. Grant the application to file a late claim on behalf of _____ and refer to County Counsel.
- ___ 4. Approve the claim of _____ in the amount of _____ and reject the balance, if any, and refer to County Counsel.
- ___ 5. Reject the claim of _____ as insufficiently filed and refer to County Counsel.

RISK MANAGEMENT

cc: Mark Tracy, Sheriff-Coroner

By

Janet McKinley
Janet McKinley, Risk Manager

DANA McRAE, COUNTY COUNSEL

By

Kim Elizabeth Baskett
Kim Elizabeth Baskett, Assistant County Counsel

CLAIM AGAINST THE COUNTY OF SANTA CRUZ
(Pursuant to Section 910 et Seq., Govt. Code)

TO: BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ
ATTN: Clerk of the Board
Governmental Center
701 Ocean Street, Santa Cruz, CA 95060



1. Claimant's Name: Oswaldo Diaz Pinto, by his Attorney, William H. Minkner

Address: 518 Ocean Street, Suite D

Santa Cruz, CA 95060

Phone No: (831) 426-0419

P.O. Box to which notices are to be sent: _____

2. Occurrence: Mr. Pinto was shot and attacked by Santa Cruz County Sheriff, Deputy Jason Nielson

Date: June 26, 2001 Place: 101 Littleway Lane, Watsonville, CA 95076

3. Circumstances of occurrence or transaction giving rise to claim: Oswaldo Diaz Pinto was attacked and shot by Officer Jason Nielson, who while in his capacity as a Santa Cruz County Sheriff, was attempting to detain Mr. Pinto for possible warrants.

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:

Oswaldo Diaz Pinto was pepper sprayed in the face, struck by Officer Nielson several times, both in the face and head and was then shot in the abdomen by Officer Nielson. Mr. Pinto suffered a gun shot wound, bruises, contusions, as well as an incredible amount of emotional and mental distress.

3. Name(s) of public employee(s) causing injury, damage or loss, if known: Santa Cruz County Sheriff, Officer Jason Nielson

6. Amount claimed now \$1,000,000.00

Estimated amount of future loss, if known \$

TOTAL \$ 1,000,000.00

7. Basis for above computations: Mr. Pinto was beaten and then shot. He was unarmed and had been subdued by Officer Nielson. His civil rights were violated and as a result he now lives with permanent scars; physically, mentally, and emotionally.

3. If the amount claimed is over \$ 10,000, indicate the court of jurisdiction:

 Municipal Court

Unlimited

 Superior Court

CLAIMANT'S SIGNATURE: William H. Minkner, Attorney for Claimant Oswaldo Diaz Pinto

William H. Minkner

Note: Claim must be presented to Clerk, Board of Supervisors, within six (6) months after the act which occasioned the injury.

Americans with Disabilities Act questions or requests for accommodations may be directed to the ADA Coordinator at 454-2962 JDD 454-2123).

PER5003

11 2/12-21-01

Law Office of
WILLIAM H. MINKNER
Attorney at Law
518 Ocean Street, Suite D
Santa Cruz, California 95060
(408) 458-2889
Fax (408) 426-0419



December 19, 2001

Santa Cruz County
Board of Supervisors
Attn: Clerk of the **Board**
701 **Ocean** Street
Santa Cruz, CA 95060

RE My Client: Oswaldo Diaz Pinto
Date of Loss: June 26, 2001

Dear Clerk:

Enclosed **please** find my client's claim to be filed and presented to the Board of Supervisors per Government Code §910. *Also* enclosed is a return envelope for an endorsed filed copy of same.
Thank you for your assistance in this regard.

Sincerely,

William H. Minkner

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